

RE: CD # 10-2009-0082 Approval with conditions of HM and NM SAPs

Ed Moreen to: Handy, Sara

05/17/2010 10:30 AM

"Nicholas.Zilka@deq.idaho.gov", "Brandon Ball",

Cc: "GLHONEYM@up.com", "Sheppard, Bruce A", "Wurtzler, Gail", "Lawrence, Robert", "Trueblood, Craig", "Davis, Scott", "Smith, Keith

Hi Sara:

I can understand your concern on this topic, but have to say that I can not speculate as to the actual release of hazardous substances of concern. What we know is that the concentrations of these materials within the RROW are very high (factors above action levels, potentially > PTM) and they are of lower levels as with distance from the RROW. If those materials are being transported and resulting in contamination outside of the RROW, it it's important to know that. Visual indications and samples analyzed by others indicate that transport off of the RROW is occurring. I can't understand that you would be comfortable with characterizations done by others but rather sample for yourself to assess the metals levels in the impacted area.

Thanks,

Ed Moreen

U.S. Environmental Protection Agency
Coeur d'Alene Field Office

1910 Northwest Blvd, Suite 208
Coeur d'Alene, ID 83814
ph. 208.664.4588
fax 208.664.5829
http://www.epa.gov/r10earth/bh.htm

"Handy, Sara" Hi Ed, Thanks for the approvals. We will get the... 05/17/2010 09:32:46 AM

From: "Handy, Sara" <Sara.Handy@arcadis-us.com>

To: Ed Moreen/R10/USEPA/US@EPA

Cc: "Nicholas.Zilka@deq.idaho.gov" <Nicholas.Zilka@deq.idaho.gov>, "Brandon Ball"

<BBall@parametrix.com>, "GLHONEYM@up.com" <GLHONEYM@up.com>, "Sheppard, Bruce A" <Bruce.Sheppard@bnsf.com>, "Wurtzler, Gail" <Gail.Wurtzler@dgslaw.com>, "Lawrence, Robert" <Robert.Lawrence@dgslaw.com>, "Trueblood, Craig" <craig.trueblood@klgates.com>, "Davis, Scott" <Scott.Davis@arcadis-us.com>, "Smith, Keith W." <Keith.Smith@arcadis-us.com>, "Lindeman, Rebecca" <Rebecca.Lindeman@arcadis-us.com>, "Sanders, Christopher"

<Christopher.Sanders@arcadis-us.com>, "Mullen, Tom" <Tom.Mullen@arcadis-us.com>, "Finlay,

Jim" < Jim.Finlay@arcadis-us.com>

Date: 05/17/2010 09:32 AM

Subject: RE: CD # 10-2009-0082 Approval with conditions of HM and NM SAPs

Hi Ed,

Thanks for the approvals. We will get the addendum for the Hercules Mill SAP to you shortly per the below comments.

Regarding the conditional approval of the Ninemile SAP, second to last comment on Section 2.1 (Sampling Objectives, Rationale and Locations): Conducting sampling outside of the former Right-of-Way (ROW) location is not consistent with the previous sampling completed of the Spur Lines as part of the EE/CA for the site. All previous sampling activities as conducted for and reported in the EE/CA were completed within the former ROW as this is the area that may have been impacted by operation of the rail lines. The Railroads do not agree

that any impacts outside of the former ROW location necessarily resulted from operation of the rail line. It is equally possible that there was a spill or release outside the spur line that affected the former ROW, and/or that there was a release after Northern Pacific abandoned this segment of the RoW prior to 1930. As discussed during the negotiations concerning the RAD Drawings and RA Work Plan approval, the Railroads have agreed to conduct remediation of tailings material within the ROW near MM 4.65 of Ninemile Creek, but sampling/remediation of materials outside of the ROW and extending down the slope would not be consistent with the EE/CA requirements and would be very difficult to complete.

Please let me know if you would like to set up a call to discuss, or if you would like us to proceed with submitting the Ninemile SAP addendum without that provision added.

Thanks, Sara

----Original Message----

From: Moreen.Ed@epamail.epa.gov [mailto:Moreen.Ed@epamail.epa.gov]

Sent: Wednesday, May 12, 2010 10:32 AM

To: Handy, Sara

Cc: Nicholas.Zilka@deq.idaho.gov; Brandon Ball; moreen.ed@epa.gov Subject: CD # 10-2009-0082 Approval with conditions of HM and NM SAPs

Hi Sara:

After consulting with IDEQ, Parametrix, and the Regional Office's Environmental Services Unit, EPA approves with conditions the SAPs for Nine Mile and Hercules Mill Site, dated May 2010. This approval is conditioned (b) as stipulated and in accordance with paragraph 38, of Consent Decree number 10-2009-0082. The conditions of approval are as follows:

All comments made on the SAPs should be reviewed, considered and resultant changes incorporated from a comprehensive perspective. Changes in each SAP or QA/QC Plan should be completed while contemplating the comments on the other documents and the affects thereof.

Hercules Mill SAP

General Comment: The UPRR/BNSF Project Manager or ARCADIS Project Manager shall provide Government Project Coordinator the specific time and date of sampling at least 7 days prior to sampling activities.

Appendix A, SOP for Compositing and Homogenizing Samples: The procedures need to specify how many grab samples (or other method) will be used per depth interval to form the composite. Procedure should also specify the quantity of each grab sample.

Alteration of the Hercules Mill SAP with the addition of an XRF field analysis with no mention of a field XRF procedure in the QA/QC Plan. Please provide a copy of their field XRF SOP.

Title and Approval Sheet: Ed Moreen and Ginna Grepo-Grove, the Regional Quality Assurance Manager also need to be on this page to sign their approval.

Include Project/Task Organization chard that includes Ginna Grepo-Grove or cross-reference the QA/QC plan for this chart.

Nine Mile Spur Line SAP

General Comment: The UPRR/BNSF Project Manager or ARCADIS Project Manager shall provide Government Project Coordinator the specific time and date of sampling at least 7 days prior to sampling activities.

Appendix A, SOP for Compositing and Homogenizing Samples: The procedures should specify how many grab samples (or other method) will be used per depth interval to form the composite. Procedure should also specify the quantity of each grab sample.

Section 2.1 Sample Objectives, Rational, and Location: The approximate area of bare tailings material in Area 2 on Figure 2 shows that the special extent of tailings material extends well outside of the former NPRY right of way (ROW). Although, these materials are outside of the ROW, they are likely associated with a spill or release that occurred on the rail spur. Therefore, the sampling grid should also extend to areas of bare tailings outside of the ROW so that the area of release can be fully delineated.

Title and Approval Sheet: Ed Moreen and Ginna Grepo-Grove, the Regional Quality Assurance Manager also need to be on this page to sign their approval.

Include Project/Task Organization chard that includes Ginna Grepo-Grove or cross-reference the QA/QC plan for this chart.

If you would prefer to provide an addendum for each SAP that addresses these issues, that would be acceptable. It is my understanding that IDEQ has no additional comments on these plans, but if that is in error, Nick may provide additional comments directly to you and copy me.

Thanks much,

(Embedded image moved to file: pic00235.gif)

NOTICE: This e-mail and any files transmitted with it are the property of ARCADIS U.S., Inc. and its affiliates. All rights, including without limitation copyright, are reserved. The proprietary information contained in this e-mail message, and any files transmitted with it, is intended for the use of the recipient(s) named above. If the reader of this e-mail is not the intended recipient, you are hereby notified that you have received this e-mail in error and that any review, distribution or copying of this e-mail or any files transmitted with it is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and delete the original message and any files transmitted. The unauthorized use of this e-mail or any files transmitted with it is prohibited and disclaimed by ARCADIS U.S., Inc. and its affiliates. Nothing herein is intended to constitute the offering or performance of services where otherwise restricted by law.